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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,187	08/21/2006	Erwin Rinaldo Meinders	NL 040186	1013

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EXAMINER

BERNARDI, BRENDA C

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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12/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,187	Applicant(s) MEINDERS ET AL.	
	Examiner BRENDA BERNARDI	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Masahura et al. U.S. Patent 6,300,041.

Regarding claim 1, Masahura '041 discloses an optical disc comprising a hybrid information layer with at least two congruently adjoining spirals (abstract), whereby a first spiral of said adjoining spirals comprises a ROM section containing read only data (abstract) and a second spiral of said adjoining spirals comprises a recordable section having a pre-groove provided for tracking purposes during recording (column 7, lines 34-41), and whereby said ROM section and said recordable section are arranged at least partially adjoining each other thereby forming an overlap region where a track of said first spiral containing read only data is arranged next to an associated track of said second spiral containing a pre-groove (column 10, lines 48-50).

Regarding claim 2, Masahura '041 discloses an optical disc characterized in that said ROM section extends over an entire data zone of said first spiral (column 10, lines 48-50).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masahura et al. U.S. Patent 6,300,041 in view of Chikazawa et al. US Patent 5,715,232.

Regarding claim 3, Masahura '041 discloses the claimed invention as recited above; however, fails to disclose an optical disc characterized in that a recording layer is provided covering also said ROM section.

However, Chikazawa '232 teaches an optical disc characterized in that a recording layer is provided covering also said ROM section (abstract).

It would have been obvious to one of ordinary skill at the time the invention was made to combine the optical disc as disclosed by Masahura '041 with the arrangement as taught by Chikazawa '232 because of the advantages of multiple layers as is well known in the art such as recording can performed in ROM section.

Regarding claim 5, Masahura '041 discloses the claimed invention as recited above; however, fails to disclose an optical disc comprising a recordable information layer.

However, Chikazawa '232 teaches an optical disc comprising a recordable information layer (abstract).

It would have been obvious to one of ordinary skill at the time the invention was made to combine the optical disc as disclosed by Masahura '041 with the arrangement as taught by Chikazawa '232 in order to obtain an optical disk capable of rewriting data thereon.

Regarding claim 6, Masahura '041 discloses the claimed invention as recited above; however, fails to disclose an optical disc comprising a pre-recorded information layer.

However, Chikazawa '232 teaches an optical disc comprising a pre-recorded information layer (abstract).

It would have been obvious to one of ordinary skill at the time the invention was made to combine the optical disc as disclosed by Masahura '041 with the arrangement as taught by Chikazawa '232 in order to obtain an optical disk having reliable information used to identify the type of optical disc.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masahura et al. U.S. Patent 6,300,041 in view of Chikazawa et al. US Patent 5,715,232, further in view of Lee et al., US Patent Publication 2002/0176346.

Masahura '041 as modified above discloses the claimed invention as recited above; however, fails to disclose an optical disc characterized in that control information is provided enabling writing only on said recordable section.

Art Unit: 2627

However, Lee '346 discloses and optical disc characterized in that control information is provided enabling writing only on said recordable section (page 1, paragraph [0005]).

It would have been obvious to one of ordinary skill at the time the invention was made to combine the optical disc as disclosed by Masahura '041 with the arrangement as taught by Chikazawa '232 and further taught by Lee '346 because of the necessity of identifying record data and to locate the recording position as is well known in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDA BERNARDI whose telephone number is (571)270-7125. The examiner can normally be reached on 5:30 to 2:00 M thru F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRENDA BERNARDI/
Examiner, Art Unit 2627

/Thang V. Tran/
Primary Examiner, Art Unit 2627